



a series of briefs on

CRIMINAL JUSTICE ISSUES FOR ARIZONA

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SAME RULES, DIFFERENT RESULTS: ARIZONA DOMESTIC VIOLENCE CONVICTIONS BY COUNTY

*This first in a series of criminal justice briefs is based upon further analysis of the quantitative and qualitative data first reported in **Layers of Meaning: Domestic Violence and Law Enforcement Attitudes in Arizona**.¹ The aim of this report is to present additional information and analysis in support of Arizona's ongoing public conversation about reducing and preventing domestic violence and other criminal activity.*

Domestic violence (DV) is a problem shared by all Arizona communities. Throughout the state, criminal justice officials operate under the same set of federal and state statutes that dictate how DV arrests are made and suspects prosecuted. But that is where the uniformity ends concerning DV case-processing in Arizona. In practice, there appear to be noteworthy differences in how the state's 15 counties are handling DV cases following arrest. A preliminary review of 2004 state data, first used in *Layers of Meaning*, reveals considerable variation across counties in DV conviction rate, time from arrest to final outcome, and shifts in the mix of misdemeanors and felonies as cases move from arrest to conviction.

The results reported in this brief were calculated from data provided by the Arizona Department of Public Safety (DPS) on DV incidents in Arizona for calendar year 2004. That data set included 44,843 records with either an arrest date or a disposition date – a final outcome – in 2004. This analysis focuses on a portion of that data set, the approximately 24,000 records with dispositions in 2004 but with arrest dates going as far back as 1994. “Dispositions” include arrests that ended in conviction for domestic violence, conviction for some other offense, and non-conviction; there is no separate category for arrests ending in diversion. “Conviction” includes guilty pleas.

The data analyzed here were tracked according to three categories:

- 15,389 *individuals* arrested for DV whose cases were disposed of in 2004
- 16,723 DV *arrests* that created cases disposed of in 2004 (some individuals were arrested more than once)
- 23,998 DV *charges* that received a court disposition in 2004 (an arrest can feature multiple charges)

Of the 15,389 individuals, 1,145 (7%) had more than one court disposition in 2004. Of the 16,723 arrests reported here, 5,272 (32%) contained multiple charges.

¹ *Layers of Meaning: Domestic Violence and Law Enforcement Attitudes in Arizona* was published by Morrison Institute for Public Policy, Arizona State University in December 2005. The project was prepared for the Governor's Commission to Prevent Violence Against Women, Arizona Department of Public Safety, and the Arizona Peace Officer Standards and Training Board. The report is available at www.morrisoninstitute.org.

SUMMARY OF FINDINGS

Approximately 24,000 DV charges received a court disposition in 2004, in 16,723 arrests of 15,389 individuals.

- Almost three-quarters (73%) of DV charges were for assault (48%) or disorderly conduct (25%).²
- 7,149 individuals were convicted for 8,125 arrests³ for DV offenses in 2004; this was a statewide conviction rate, by arrest, of 45% and, by individual, of 47%.
- 92.5% of charges at arrest were for misdemeanors and 7.5% were for felonies.
- 94% of charges at conviction were for misdemeanors and 6% were for felonies.
- 58% percent of charges at arrest were for class 1 misdemeanors, the most serious level of misdemeanor.
- There was a statewide average of 4.7 months from arrest to disposition for all arrests, and 3.2 months for arrests ending in convictions.
- There was variation across counties in the length of time from arrest to disposition. Yuma had the shortest average time to disposition for all arrests (1.8 months) and Greenlee County had the longest (7.4 months). However, Greenlee County had the shortest time for individuals' convictions (1.2 months) and Apache County had the longest (5.1 months).
- Males comprised 80% of those convicted, and females made up 20%.
- The conviction rate for males (48.7%) was higher than that for females (39.2%).

Table 1: DV Charges disposed of in 2004 by offense type

Type of Offense	Frequency	Percent
Assault	11,556	48.2%
Disorderly Conduct	5,888	24.5%
Criminal Damage	4,137	17.2%
Interference	1,069	4.5%
Child/adult abuse	353	1.5%
Trespass	307	1.3%
Other	678	2.8%
Total	23,988	100.0%

Source: Morrison Institute for Public Policy, Arizona State University, 2006.

1 ■ Types of DV Charges

As shown in Table 1, assault and disorderly conduct charges made up almost three-quarters (73%) of charges disposed in 2004.

2 ■ Conviction Rates

Conviction rates by arrest and by individual vary considerably by county. Some of this variation is due to differing prosecutorial practices concerning which cases to pursue and how frequently to offer first-time defendants the option of diversion, which is not broken out separately in this data set. Table 2 shows arrest and defendant conviction rates by county.

Table 2: DV Conviction rate by county for arrests and for individuals

County	ARRESTS			INDIVIDUALS		
	Total Arrests	Arrest Convictions	Conviction Rate	Total Individuals	Individuals Convicted	Conviction Rate
Apache	64	35	54.7%	60	32	53.3%
Cochise	500	200	40.0%	438	190	43.4%
Coconino	544	265	48.7%	507	250	49.3%
Gila	301	121	40.2%	279	116	41.6%
Graham	113	62	54.9%	104	57	54.8%
Greenlee	34	12	35.3%	32	11	34.4%
La Paz	70	25	35.7%	65	24	36.9%
Maricopa	9,559	3,814	39.9%	8,806	3,591	40.8%
Mohave	1,213	763	62.9%	1,103	724	65.6%
Navajo	76	35	46.1%	72	34	47.2%
Pima	1,868	897	48.0%	1,740	851	48.9%
Pinal	762	388	50.9%	713	372	52.2%
Santa Cruz	130	13	10.0%	122	12	9.8%
Yavapai	415	213	51.3%	400	206	51.5%
Yuma	1,074	743	69.2%	948	679	71.6%
Total	16,723	7,586	45.4%	15,389	7,149	46.5%

Source: Morrison Institute for Public Policy, Arizona State University, 2006.

² Arizona law contains no separate crime of domestic violence, except for aggravated domestic violence. Instead, nearly two dozen existing offenses – such as assault, harassment, and kidnapping – are given special meaning and treated differently when the relationship between the victim and defendant meets certain requirements.

³ This means that the individuals were convicted on at least one of the charges for which they were arrested.

Arizona law provides for a domestic-violence designation to be attached to a charge either at the time of arrest or as the case proceeds through the criminal justice system. The data reported here indicate that 68% of charges were designated as DV on arrest; they also include a small number of cases where a non-DV disposition was made, but either the arrest or the disposition involved a domestic violence victim.

3 ■ Misdemeanors and Felonies

Statewide, only 7% of domestic violence charges at arrest, and 6% of charges at conviction were for felonies. There was little variation overall in the felony rate as cases moved to disposition. Table 3 shows that the percentage of misdemeanor to felony charges was fairly consistent across the state, except for very small counties such as La Paz and Greenlee. Looking at the subset of charges that ended in convictions, there was variation across counties in how the mix of misdemeanors and felonies shifted between arrest and disposition; but it is not clear that the variation is meaningful.

Table 3: Misdemeanor/felony distribution

County	CHARGE AT ARREST		CHARGE AT DISPOSITION			
	Misdemeanor	Felony	(All cases)		(Convictions)	
			Misdemeanor	Felony	Misdemeanor	Felony
Federal/State	83%	16%				
Apache	93%	6%	95%	5%	93%	6%
Cochise	93%	6%	92%	7%	95%	4%
Coconino	88%	11%	88%	11%	94%	5%
Gila	95%	4%	96%	3%	100%	0%
Graham	94%	5%	93%	6%	96%	4%
Greenlee	93%	6%	90%	9%	100%	0%
La Paz	76%	23%	78%	21%	100%	0%
Maricopa	92%	7%	93%	6%	91%	8%
Mohave	92%	7%	92%	7%	96%	3%
Navajo	83%	16%	83%	16%	93%	6%
Pima	95%	4%	94%	5%	96%	3%
Pinal	89%	10%	90%	9%	94%	5%
Santa Cruz	91%	8%	92%	7%	75%	25%
Yavapai	88%	11%	88%	11%	90%	9%
Yuma	91%	8%	92%	7%	96%	3%
Total	92%	7%	92%	7%	93%	6%

Source: Morrison Institute for Public Policy, Arizona State University, 2006.

4 ■ Severity of Charges

Arizona's criminal justice system divides misdemeanors into three classes and felonies into six classes, with increasing penalties for conviction for each class. For both misdemeanors and felonies, class 1 is the most serious. Fifty-eight percent of charges were for class-1 misdemeanors. Cases were omitted from this analysis (228) where the charge was not specified or the classification was unclear. The results are summarized in Table 4.

Table 4: Charge severity at arrest and conviction

Class	CHARGE AT ARREST		CHARGE AT CONVICTION	
	Frequency	Percent	Frequency	Percent
Felony-1	6	0.03%	7	0.03%
Felony-2	51	0.2%	46	0.2%
Felony-3	873	3.7%	811	3.4%
Felony-4	90	0.4%	88	0.4%
Felony-5	4,408	18.5%	4,396	18.5%
Felony-6	783	3.3%	770	3.2%
Misdemeanor-1	13,755	57.9%	13,751	57.8%
Misdemeanor-2	2,549	10.7%	2,385	10.0%
Misdemeanor-3	1,255	5.3%	1,539	6.5%
Total	23,770	100.0%	23,793	100.0%

Source: Morrison Institute for Public Policy, Arizona State University, 2006.

5 ■ Time from Arrest to Disposition

Arizona counties showed considerable variation in the length of time from arrest to disposition. Table 5 shows the average number of months from arrest to disposition by county for all arrests and for those individuals with convictions. There was a statewide average of 4.7 months for all arrests, and 3.2 months for those with convictions. Yuma County had the shortest average time to disposition for all arrests (1.8 months) and Greenlee County had the longest (7.4 months). However, Greenlee County had the shortest time for individuals' convictions (1.2 months) and Apache County had the longest (5.1 months). It should be noted that both Apache and Greenlee counties had very few cases in the data set.

6 ■ Offenders' Age and Gender

Of those convicted, 20% were female and 80% were male, with ages ranging from 15 to 85, and an average age of 33.1 years. As shown in Table 6, males and females were similar in age, charge severity (using the scale shown in table 4), and time to disposition. The conviction rate for females (39.2%), however, was lower than males (48.7%).

Further research will be necessary to identify factors contributing to the findings in this report. Some of the variation might simply reflect differing reporting practices or data-processing systems across jurisdictions. Some, on the other hand, might derive from substantive differences in how different Arizona criminal-justice agencies are providing for victim safety and offender accountability. In addition, the county-level data presented above represent inputs from many agencies whose operations should be examined individually. It would also be useful to examine dispositions at a deeper level than the simple dichotomy of "conviction" and "non-conviction." Nor do the above data include information on sentencing practices. Morrison Institute hopes to pursue these and other DV research areas in future publications.

Table 5: Average time to disposition in months for all arrests and convictions

County	ALL ARRESTS		INDIVIDUALS WITH CONVICTIONS	
	Frequency	Months	Frequency	Months
Apache	64	5.4	32	5.1
Cochise	500	5	190	4.1
Coconino	544	5.4	250	2.7
Gila	301	4.4	116	3.4
Graham	113	5.2	57	1.3
Greenlee	34	7.4	11	1.2
La Paz	70	3.7	24	2.7
Maricopa	9,559	5.3	3,591	4.6
Mohave	1,213	3.7	724	2.5
Navajo	76	5.1	34	3.2
Pima	1,868	6.4	851	4.7
Pinal	762	4.5	372	3.5
Santa Cruz	130	3.6	12	4
Yavapai	415	4.2	206	3.6
Yuma	1,074	1.8	679	1.3
Total	16,723	4.7	7,149	3.2

Source: Morrison Institute for Public Policy, Arizona State University, 2006.

Table 6: Comparison of female and male characteristics

Gender	Average Age at Arrest	Average Level of Severity	Average Time from Arrest to Disposition	Percent of Those Convicted	Conviction Rate
Female	32.63	3.50	5.09	20%	39.2%
Male	33.25	3.59	5.00	80%	48.7%
Total	33.10	3.57	5.02	100%	46.5%

Source: Morrison Institute for Public Policy, Arizona State University, 2006.



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